

12.9.701 PROJECT APPLICATIONS

(1) The department may authorize organizations or individuals to participate in the upland game bird habitat enhancement program following submission of a written application describing the proposed project on forms provided by the department and a review of that application. All applications must include and/or be accompanied by the following information:

- (a) name of the organization or individual applying;
- (b) name of the person in charge of the organization's proposed upland game bird habitat enhancement project;
- (c) the applicant's current mailing address;
- (d) the applicant's current telephone number;
- (e) the legal description of the project site;
- (f) clear evidence of landowner's permission if the project site is not owned by the applicant;
- (g) the number of acres included in the proposed enhancement project;
- (h) description of the proposed enhancement project including:
 - (i) agricultural activities;
 - (ii) grazing management;
 - (iii) tree and shrub plantings;
 - (iv) cover plantings;
 - (v) fencing; and
- (i) any other information deemed relevant by the department and requested on the project application form.

12.9.702 PROJECT REQUIREMENTS

(1) Projects must meet the following requirements before the department may authorize participation in the program:

- (a) projects must be designed to establish or improve habitat components such as nesting cover, winter cover and feeding areas;
- (b) projects must be located within a suitably sized area, normally a minimum of 100 contiguous acres and shelterbelts cannot be located within 400 feet of occupied buildings or outbuildings used by livestock. All habitat components need not be under the ownership of the applicant if other of the necessary habitat components (nesting cover, winter cover, feeding areas) are present at suitable distances on adjacent ownerships;

- (c) all projects on private land must be implemented through lease, conservation easement or by department cost-sharing with the landowner, project sponsor, or a federal cost-share program;
- (d) projects which require the department to purchase fee title to lands will not be considered;
- (e) all projects on private lands must be open to public hunting for upland game birds for the duration of the project. Reasonable use limitations on numbers of hunters and areas to be hunted may be allowed; however, user fees may not be charged. Projects located within a leased or commercial hunting operation will not be considered.

12.9.703 PROJECT REVIEW AND APPROVAL

- (1) Enhancement activities will be reviewed and prioritized based on current species distribution and the potential to increase numbers of upland game birds.
- (2) Project proposals will be evaluated before being accepted by the department using the following criteria:
 - (a) species present on the project and species that would benefit from the project;
 - (b) the proximity and number of acres of similar or essential habitat components to the project;
 - (c) the status of adjacent property regarding hunter access and benefits provided upland birds;
 - (d) the number of acres open to hunting;
 - (e) expected benefits for upland birds and hunters from the proposed project;
 - (f) additional consideration will be given to projects that:
 - (i) offer longer contract terms or additional landowner cost-share; or
 - (ii) offer land with special or unique components (such as wetlands) for enhancement.
- (3) Emphasis will be given to projects on private lands; however, projects on public land will be pursued where opportunities for cooperative cost-share projects exist.
- (4) Approved projects will be funded on a first come, first served basis.
- (5) Projects may not interfere with or duplicate other state or federal assistance programs. However, projects specific to the matching portion of other state or federal assistance programs will be considered.
- (6) Participation in federal farm programs, state agricultural programs, hunter management programs, the hunting access enhancement program or other programs

that provide for habitat or access enhancement does not preclude eligibility for landowners to also enroll property in the upland bird enhancement program.

12.9.704 REPORTING REQUIREMENTS

(1) Any person or organization authorized to implement an upland game bird habitat enhancement project must, within 60 days of completion of all authorized activities, file a written report with the department on forms provided by the department. All reports must include the following:

- (a) the number of acres enhanced;
- (b) specific enhancement activities accomplished;
- (c) species of plantings used;
- (d) costs by activity;
- (e) any other information deemed relevant by the department and requested on the project report form; and
- (f) verification of on-site inspection by department personnel.

(2) The department will assist with preparation of reports in the following ways:

- (a) department personnel will develop a monitoring schedule for all habitat enhancement projects; and
- (b) the program coordinator will maintain a copy of regional monitoring plans and annual status of projects monitored and new projects added to the plan.

(3) The department will compile an annual summary of the birds released under the upland game bird release and pheasant release programs, the release locations, and the associated costs of those releases.

(4) The department will compile an annual summary of projects undertaken under the upland game bird habitat enhancement program, the types of projects entered into, and the associated costs of those projects.

12.9.705 PAYMENT BY DEPARTMENT

(1) The department will compensate individuals or organizations by cost-sharing the actual costs incurred for completed upland game bird habitat enhancement projects as set forth in a contract. The department's share will be negotiated on an individual project basis for cost-sharing projects. In-kind services such as labor may be used for the programs participants' portion of the cost-share.

- (a) requests for payment must be accompanied by invoices, receipts or similar proof of expenses;
- (b) all requests for payment must include verification by department personnel that the work for which payment has been requested has been completed; and

(c) the department will cover no more than 75% of the total cost of any upland game bird habitat enhancement project entered into with a cooperator resulting in improvements on property owned or controlled by that cooperator.

(2) The department may compensate individuals or organizations for upland game bird habitat enhancement activities accomplished through a lease, up to the fair market value of the lease. The organization or individual will be compensated only if the organization or individual holds title to or leases the specified property.

(3) The department may compensate individuals or organizations for upland game bird habitat enhancement accomplished through a conservation easement, up to the fair market value of the easement. The organization or individual will be compensated only if the organization or individual holds title to the specified property.

(4) For qualified upland game bird habitat enhancement projects sponsored by organizations, the department may reimburse the sponsor for up to 10% of the cost of the project and may cover up to 100% of the cost of the material required for the project.

(a) requests for payment must be accompanied by invoices, receipts or similar proof of expenses; and

(b) all requests for payment must include verification by department personnel that the work for which payment had been requested has been completed.

(5) The following are costs limitations under the upland game bird habitat enhancement program:

(a) department costs for any project may not exceed \$100,000 without commission authorization, and no project will be funded for more than \$200,000;

(b) department expenses on any project for purchase of buildings or equipment will not exceed \$25,000 and all equipment purchased by the department will remain property of the department; and

(c) the department will cover no more than 50% of the cost of wells, pipelines, and roads.

12.9.706 EFFECT OF RULE VIOLATIONS

(1) Any person or organization found in violation of any of the upland game bird enhancement rules will be disqualified from further participation in the program and will be required to reimburse the department for compensation received.